UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

TERRANCE WILLIAMS,
Plaintiff
V.
NNCC, et al.,
Defendants

Case No. 3:22-cv-00464-ART-CLB
ORDER

Defendants

On October 21, 2022, *pro se* plaintiff Terrance Williams, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1). The Court will therefore grant Plaintiff an extension of time to either pay the full filing fee or file an application to proceed *in forma pauperis*.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See id. at § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court:

- A completed Application to Proceed in Forma Pauperis for Inmate (pages 1–3 of the Court's form) that is properly signed by the inmate twice on page 3;
- 2. A completed **Financial Certificate** (page 4 of the Court's form) that is properly signed by both the inmate and a prison or jail official; and

3. A copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. As explained above, Plaintiff has neither paid the full filing fee nor applied to proceed in forma pauperis.

II. CONCLUSION

It is therefore ordered that Plaintiff has until Monday, January 9, 2023, to either pay the full \$402 filing fee or file a fully complete application to proceed in forma pauperis with all three required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed in forma pauperis or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff Terrance Williams the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the complaint (ECF No. 1-1) but not file it at this time.

DATED THIS 9th day of November 2022.

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